

077

**BEFORE THE BOARD OF DIRECTORS OF
NORTHWEST BOISE SEWER DISTRICT, ADA COUNTY, IDAHO**

**IN THE MATTER OF THE INCLUSION)
OF CERTAIN REAL PROPERTY IN THE) ORDER OF INCLUSION
NORTHWEST BOISE SEWER DISTRICT)
OWNED BY THE MARY M. SCHWEIZER)
REVOCABLE LIVING TRUST)**

THIS MATTER having come on regularly for hearing this 13th day of August, 2012, pursuant to a petition filed with the Board of the Northwest Boise Sewer District (the "District") on July 17, 2012, by the **Mary M. Schweizer Revocable Living Trust**, by Barbara Schweizer Gehrke, successor co-trustee of said Trust, Petitioner and Owner, and pursuant to a notice by publication in the Idaho Statesman, a newspaper of general circulation within the District, on July 30, 2012, and August 6, 2012, the proof of which more fully appears in the Affidavit of Publication attached hereto. No person appeared to protest the inclusion of the real property owned by Petitioner; and

Since the property proposed to be annexed was not contained in the original boundaries of the District, the Board will require that the property be annexed subject to certain conditions hereafter set forth.

The Board has a contract with the City of Boise for the treatment of the effluent collected by the District. The Board is of the opinion that the territory should be annexed to the District but when sewer service is requested, in addition to the District's tap-in charges, the following conditions are to be met:

1. The District will charge the then current Boise City treatment plant connection charge for any residential or residential equivalent unit and upon receipt of this connection charge disburse the

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amount to the City of Boise. The purpose of this requirement is to insure that all property within the District will pay a reasonable charge for use of the capacity in the Boise treatment plant.

2. Responsibility for construction, operation and maintenance of the building sewer line to its connection to the end of the service connection shall remain with the Owner of the annexed area.

There being no objection to the inclusion of said property owned by Petitioner, subject to said conditions, and the Board being fully advised,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that it is in the best interests of the Petitioner and the District that the subject parcel of property described on Exhibit A attached hereto be and the same is hereby included within the District.

When sewer service is requested, the District will require at the time of connection of any residential or residential equivalent unit in addition to all fees and charges of the District, the connection fee imposed by the City of Boise according to the current City ordinance at the time of connection to the Northwest Boise Sewer District.

Responsibility for construction, operation and maintenance of the building sewer line to its connection to the end of the service connection shall remain with the Owner of the annexed area.

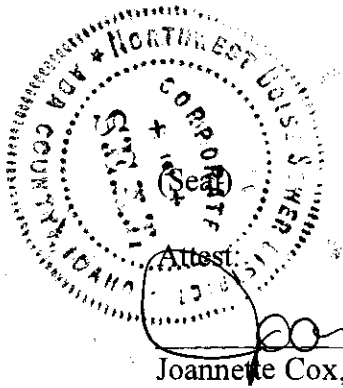
IT IS FURTHER ORDERED that the Petitioner and Owner of the said property described in Exhibit A attached hereto gives evidence of approval of the foregoing conditions by execution of the Consent hereinafter set out. Upon receipt of an executed copy of the Order of Inclusion of the District and Consent by the District's attorneys, said attorneys are directed to file a certified copy of

this Order with the District Court of the Fourth Judicial District of the State of Idaho, in and for Ada County, and obtain said Court's approval.

Dated this 13th day of August, 2012

NORTHWEST BOISE SEWER DISTRICT

By: Lotwick I. Reese
Lotwick I. Reese, Chairman



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TECHNICAL SUPPORT

CONSENT

The undersigned hereby consents to the conditions contained in the Board's Order annexing the subject parcel described on Exhibit A attached hereto.

Dated this 16th day of August, 2012.

Barbara Schweizer Gehrke
Barbara Schweizer Gehrke

EXHIBIT A

DESCRIPTION FOR PARCEL B - MARY M. SCHWEIZER REVOCABLE LIVING TRUST

A parcel of land being a portion of the NW 1/4 of Section 32, T.4N., R.2E., B.M., Boise, Ada County, Idaho, and more particularly described as follows:

Commencing at the North 1/4 corner of said Section 32; thence along the North-South center of section line

South 00°13'38" East 1194.83 feet to an iron pin on the South right-of-way line of West Willow Lane; thence along said South right-of-way line

South 89°49'00" West 1334.50 feet to an iron pin marking the **POINT OF BEGINNING**; thence leaving said South right-of-way line

South 00°56'22" West 158.53 feet to an iron pin; thence

South 88°43'59" East 133.65 feet to an iron pin on the East boundary of Record of Survey No. 7344, filed for record in the office of the Ada County Recorder, Boise, Idaho under Instrument No. 106056973; thence along said East boundary line

South 00°11'00" East 149.25 feet to an iron pin; thence continuing

South 29°24'22" West 199.41 feet to an iron pin marking the Southeast corner of said Record of Survey No. 7344; thence along the South boundary of said Record of Survey No. 7344

North 55°07'10" West 254.77 feet to an iron pin marking the Southeast corner of Willowgreens Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 100 of Plats at page 12946; thence along the East boundary of said Willowgreens Subdivision

North 00°11'00" West 338.17 feet to an iron pin marking the Northeast corner of said Willowgreens Subdivision on said South right-of-way line of West Willow Lane; thence along said South right-of-way line, which is also the North boundary of said Record of Survey No. 7344

North 89°49'00" East 176.50 feet to the **POINT OF BEGINNING**,

Said parcel of land contains 2.383 acres, more or less.

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
31909	0000608263	LEGAL NOTICE	SchweizerTrust	\$243.15	2	73

Attention: Jim Hovren

EVANS KEANE ATTORNEYS AT LAW

1405 W MAIN ST

BOISE

ID

83702

LEGAL NOTICE NOTICE OF INCLUSION OF CERTAIN REAL PROPERTY IN THE NORTHWEST BOISE SEWER DISTRICT, ADA COUNTY, IDAHO

TO: ALL INTERESTED PERSONS. PUBLIC NOTICE IS HEREBY GIVEN:

That on the 17th day of July, 2012, pursuant to Idaho Code Section 42-26-18, there was filed in the Office of the Board of Directors of the Northwest Boise Sewer District, Ada County, Idaho, a Petition for the inclusion of certain real property in the Northwest Boise Sewer District, by the **Mary M. Schweizer Revocable Living Trust**, by Barbara Schweizer Gehring, successor co-trustee of said Trust, owner of certain real property located outside of said Northwest Boise Sewer District, situated in the County of Ada, State of Idaho, and more particularly described as follows:

See EXHIBIT A attached hereto and incorporated herein by reference. The said Petitioner requests that the real property described above be included in the Northwest Boise Sewer District, Ada County, Idaho.

Petitioner states that she is aware that as a condition of annexation the Petitioner will be required to install to the District's specifications any sewer lines necessary to connect Petitioner's service lines to the District's collection system, and that the District will require at the time of connection of any residential or residential equivalent unit, in addition to all fees and charges of the District, a connection fee in the amount of the current treatment plant connection fee made by the City of Boise according to the current City ordinance at the time of connection to the Northwest Boise Sewer District.

That a public hearing on said Petition will be held at 2600 East Road, Boise, Idaho, the office of the Northwest Boise Sewer District, on the 14th day of August, 2012, at the hour of 7:15 p.m., where all persons interested may appear and show cause in writing, if any they have, why said Petition should not be granted.

DATED this 20th day of July, 2012.
NORTHWEST BOISE SEWER DISTRICT
ADA COUNTY, IDAHO

By: /s/ Lotwick I. Reese, Chairman
ATTN: /s/ Joannette Cox, Secretary

EXHIBIT A DESCRIPTION FOR PARCEL B - MARY M. SCHWEIZER REVOCABLE LIVING TRUST

A parcel of land being a portion of the NW 1/4 of Section 32, T.4N., R.2E., B.M., Boise, Ada County, Idaho, and more particularly described as follows:

Commencing at the North 1/4 corner of said Section 32; thence along the North-South center of section line

South 00°13'38" East 1194.83 feet to an iron pin on the South right-of-way line of West Willow Lane; thence along said South right-of-way line

South 89°49'00" West 1334.50 feet to an iron pin marking the POINT OF BEGINNING; thence leaving said South right-of-way line

South 00°56'22" West 158.53 feet to an iron pin; thence

South 88°43'59" East 133.65 feet to an iron pin on the East boundary of Record of Survey No. 7344, filed for record in the office of the Ada County Recorder, Boise, Idaho, under instrument No. 106056973,

thence along said East boundary line

South 00°11'00" East 149.25 feet to an iron pin, thence continuing along the 29°24'22" West 199.41 feet to an iron pin marking the Southeast corner of said Record of Survey No. 7344; thence along the South boundary of said Record of Survey No. 7344

North 55°07'10" West 254.77 feet to an iron pin marking the Southeast corner of Willowgreens Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 100 of Plats at page 12946; thence along the East boundary of said Willowgreens Subdivision

North 00°11'00" West 338.17 feet to an iron pin marking the Northeast corner of said Willowgreens Subdivision on said South right-of-way line of West Willow Lane; thence along said South right-of-way line, which is also the North boundary of said Record of Survey No. 7344

North 89°49'00" East 176.50 feet to the POINT OF BEGINNING. Said parcel of land contains 2.383 acres, more or less.

Pub. July 30, Aug. 6, 2012

0000608263.01

ALEXIS FOWLER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 07/30/2012

Ending issue of: 08/06/2012

Alexis Fowler
(Legal Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

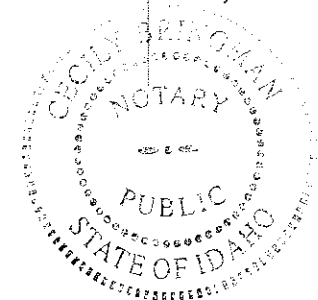
On this 6 day of August in the year of 2012 before me, a Notary Public, personally appeared before me Alexis Fowler known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Brinkman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF GARFIELD

ON THIS 14th day of June, 2011, I, the undersigned, a Notary Public in and for the State of Utah, did personally appear before me the undersigned, a Notary Public in and for the State of Utah, the following persons, who are known to me to be the persons who executed the foregoing instrument, and who acknowledged to me that they executed the same for the purposes and consideration therein expressed.

ATTEST: My hand and the seal of my office, this 14th day of June, 2011.

NOTARY PUBLIC FOR UTAH
NAME: _____
ADDRESS: _____
EXPIRATION DATE: _____

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MARY M. SCHWEIZER, REVOCABLE LIVING TRUST

MINOR LAND DIVISION
RECORD OF SURVEY
FOR
A PORTION OF THE NW 1/4, SECTION 22, T.44N, R.2E, BLM, BOISE, ADA COUNTY, IDAHO

CERTIFICATE OF OWNERS

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN ON THE RECORD OF SURVEY AND THAT THE SAME LIES WITHIN THE BOUNDARIES OF THE COUNTY OF GARFIELD, STATE OF UTAH.

DATE: _____

CERTIFICATE OF SURVEYOR

I, _____, a duly licensed and sworn Surveyor in the State of Utah, do hereby certify that I have surveyed the above described land and that the same is correctly shown on the Record of Survey.

SIGNATURE OF THE CITY PLANNING DIRECTOR

STATE OF UTAH
COUNTY OF GARFIELD

ADDITIONAL NOTES: _____

ADA COUNTY RECORDER'S CERTIFICATE

STATE OF UTAH
COUNTY OF GARFIELD

RECORDING INDEX NO. 421-32-4-0-0-00-0000

NOTES

1. THIS RECORD OF SURVEY IS A REVISION OF THE PREVIOUS RECORD OF SURVEY.
2. THE PARCELS SHOWN ON THIS RECORD OF SURVEY ARE NOT TO BE DIVIDED OR PLATTED AGAIN WITHOUT THE WRITTEN CONSENT OF THE CITY PLANNING DIRECTOR.
3. ALL RECORDS ARE ACCURATELY REPRODUCED.
4. THIS CITY RECORD NO. 421-32-4-0-0-00-0000.

TEALEY'S LAND SURVEYING



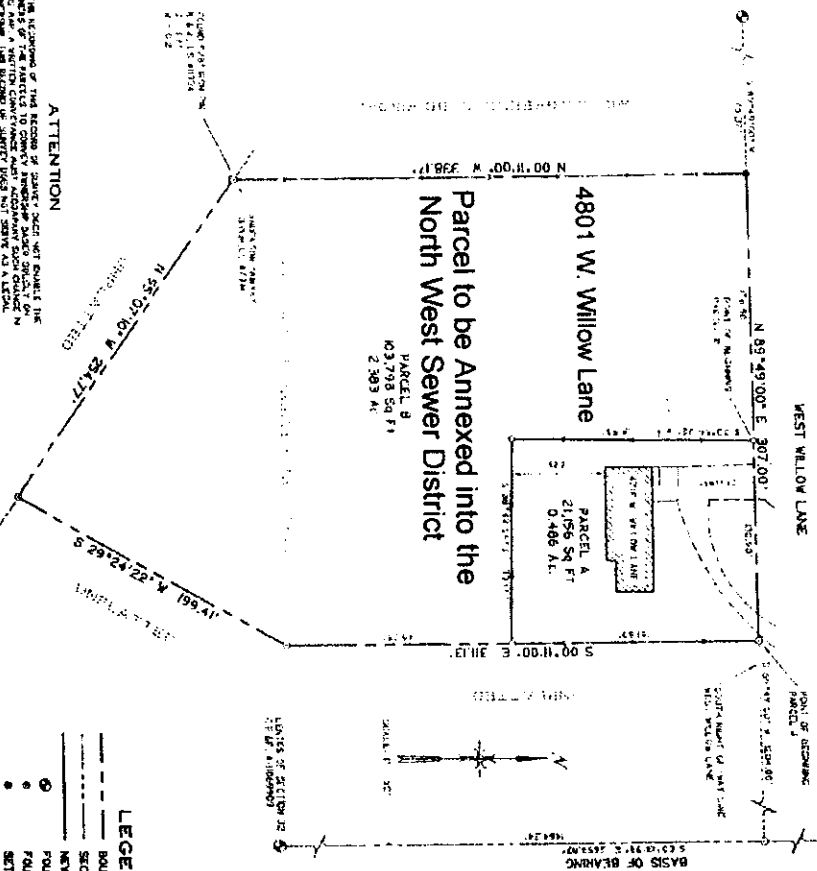
DATE: JUNE, 2011

DRAWING NO.: 3645

RECORDING INDEX NO. 421-32-4-0-0-00-0000

ATTENTION

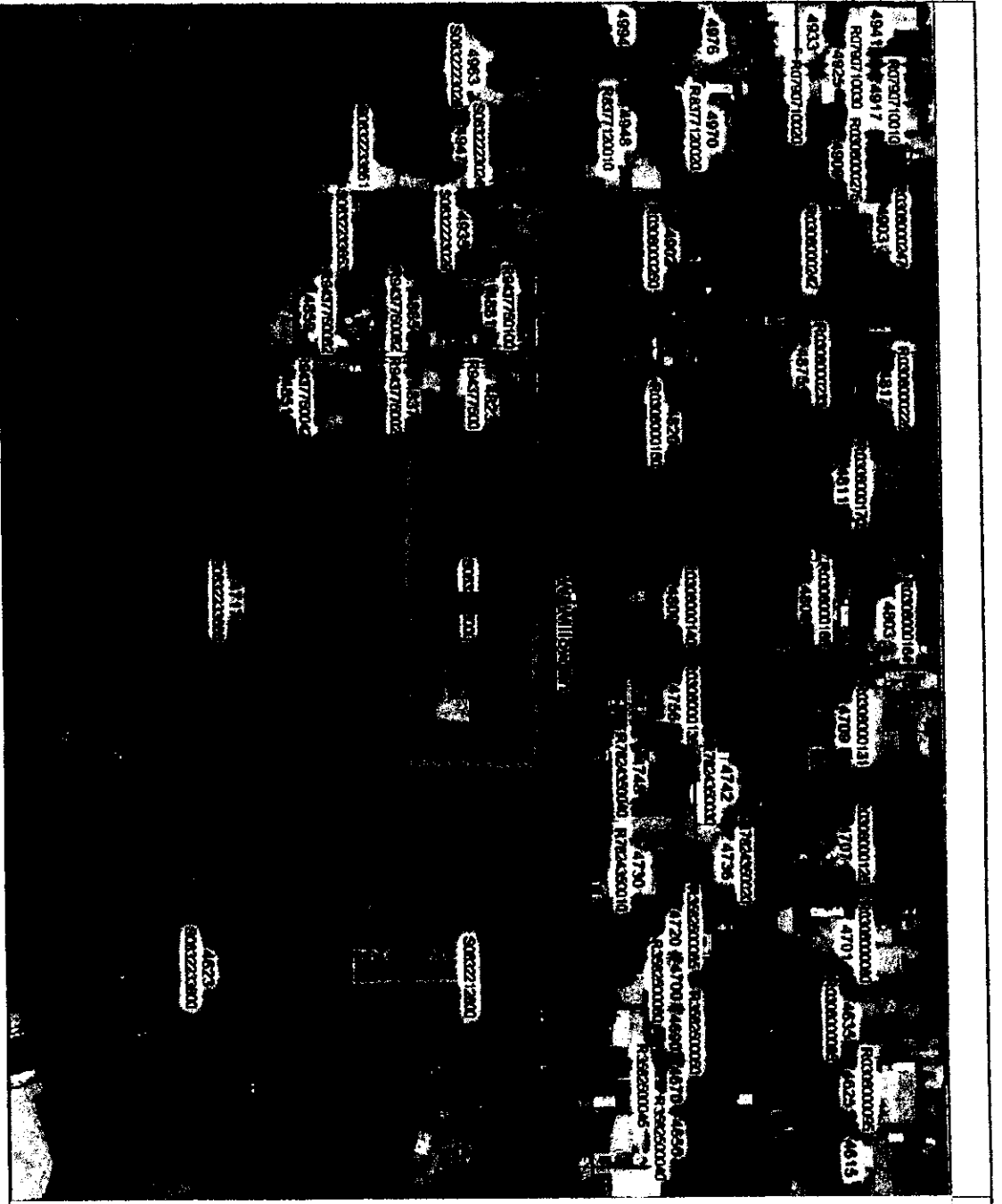
THE RECORDING OF THIS RECORD OF SURVEY SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY PLANNING DIRECTOR. THE CITY PLANNING DIRECTOR SHALL REVIEW THE RECORD OF SURVEY FOR COMPLIANCE WITH THE UTAH LAND SURVEYING ACT AND THE CITY PLANNING ORDINANCES. THE CITY PLANNING DIRECTOR SHALL REVIEW THE RECORD OF SURVEY FOR COMPLIANCE WITH THE UTAH LAND SURVEYING ACT AND THE CITY PLANNING ORDINANCES. THE CITY PLANNING DIRECTOR SHALL REVIEW THE RECORD OF SURVEY FOR COMPLIANCE WITH THE UTAH LAND SURVEYING ACT AND THE CITY PLANNING ORDINANCES.



LEGEND

- BOUNDARY LINE
- SECTION LINE
- NEW PARCEL LINE
- FOUND BRASS CAP
- FOUND 5/8" IRON PIN
- SET 5/8"x24" IRON PIN w/CAP
- FOUND 1/2" IRON PIN
- BRASS LID/PARCEL LINE
- CHISEL POINT LINE

4801 W. Willow Lane



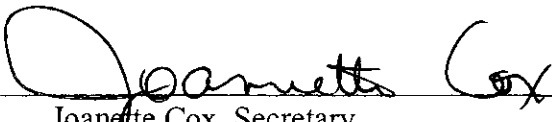
THIS MAP NOT INTENDED FOR NAVIGATIONAL USE

SECRETARY'S CERTIFICATE

I, Joannette Cox, Secretary of the Northwest Boise Sewer District, Ada County, Idaho, hereby certify that attached hereto are true and correct copies of the following documents:

1. Petition for the Inclusion of Certain Real Property in the Northwest Boise Sewer District, by Barbara Schweizer Gehrke, Trustee;
2. Certificate of Publication with respect to the hearing on such inclusion; and
3. Board Order of Inclusion, together with Petitioner's Consent.

NORTHWEST BOISE SEWER DISTRICT

By  _____
Joannette Cox, Secretary